

**Report**

**Of the**

**Rochester Police Policy Oversight Commission**

**For the Period From**

**December 2016 to December 2017**

**Introduction from the Chair**  
**Of the Rochester Police Policy Oversight Commission**  
**For the period from December 2016 – December 2017**

Pursuant to Subd. 19D/03 of the Ordinance that created the Rochester Police Policy Oversight Commission and Article Fourteen of the Bylaws of the Commission, the Commission is required to draft and provide a report of its activities to the Mayor of Rochester. The Commission is also required to report on the activities of all special purpose committees and on the Rochester Police Department's adherence to its approved policies, practices and procedures.

I was elected Chair of the Commission in the November 2016 meeting and served from December 2016 through the December 2017 meeting. This report is an account of the activities and meetings held during the period that I was Chair of the Commission.

The Bylaws provide that elections are held in November each year, and that the new Chair takes office effective from the December meeting. Commissioner Rebeca Sedarski was elected Chair at the regular December 2017 meeting of the Commission as the regular November 2017 meeting was canceled and she took over as chair for the January meeting. With a tie vote for the Vice Chair position, Commissioner Martin Omerichamoi was elected Vice Chair at the regular January 2018 meeting of the Commission. Commissioner Sedarski assumed office in January of 2018 and Commissioner Omerichamoi assumed office in February of 2018.

In 2015, the Rochester City Council passed the ordinance for the first Police Policy Oversight Commission in the city of Rochester. Chief Roger Peterson facilitated meetings with a five-member task force to develop this ordinance. The process took more than 18 months as there were many divisions in the group as to what this new ordinance would look like, what powers it would have, how it would represent the overall demographics of Rochester and how it would represent all people and not just the status quo. In retrospect, the police had an advocate in Chief Peterson; likewise, I believe the citizens of Rochester should have also had a professional representative on the Commission. The Commission held its inaugural meeting on June 29, 2015.

I thank my fellow Commissioners and the Citizens of Rochester for their support during my tenure as Chair. My time on the Taskforce, the Commission, and my tenure serving as Chair of the Commission has been a great honor and learning experience for me.

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William C. Jordan, Jr.  
Immediate Past Chair,  
Rochester Police Policy Oversight Commission  
For the period from December 2016 – December 2017

## 1. The Establishment of the Commission and Appointment of Commissioners

The Rochester Police Policy Oversight Commission was established pursuant to the City of Rochester Ordinance 19D. the Ordinance provides that the Mayor of Rochester nominate the Commissioners for approval by the Rochester City Council.

Following the application process, the Mayor interviewed all 35 applicants for the seven available seats on the Commission and selected seven candidates representing the diversity of Rochester's population. He then forwarded their names to the Rochester City Council which, in a public process, reviewed the recommendations and appointed the first seven members of the Commission. Since inception, the Mayor shall appoint replacements of Commissioners whose terms have ended, stepped down or left for various reasons.

The Commissioners during the period covered by this report were:

Commission Role	Member	Term Ends
Chair	W. C. Jordan, Jr.	December 31 <sup>st</sup> , 2018
Vice-Chair	Rebeca Sedarski	December 31 <sup>st</sup> , 2020
Commissioner	Abdi Roble	December 31 <sup>st</sup> , 2018
Commissioner	Lawrence T. Collins	December 31 <sup>st</sup> , 2020
Commissioner	Allan Witz	December 31 <sup>st</sup> , 2018
Commissioner	Erin Truesdale	December 31 <sup>st</sup> , 2020
Commissioner	Martin Omerichamoi	December 31 <sup>st</sup> , 2019

## 2. Meetings of the Commission

Pursuant to the Bylaws of the Commission, meetings are held on the second Monday of each month. All meetings are recorded, and minutes are prepared after every meeting. An agenda is made available prior to and at the end of each meeting. Agendas and minutes are posted on the City website.

## 3. The Powers of the Commission and Commissioners

In addition to the Ordinance, Commissioners are bound by Federal and State Constitutions and laws, including the Minnesota Government Data Practices Act, the Peace Officers Disciplinary Procedures Act and Minnesota's Open Meeting Laws.

The powers and limitation on power of the Commission are set out in the Ordinance and summarized in the table below.

The following table also includes excerpts from Subd. 17 of the Peace Officer Discipline Procedures Act, which limits the authority of the Commission:



### Rochester Police Policy Oversight Commission

	A	B	C
	Subdivision	Powers/Rights/ Limitations	Ordinance
1	19D.01 Subd. 5.	<u>Meet at least four times a year.</u> At the first meeting adopt rules for: A. Time, dates, and places of future meetings; B. Election of officers; and, C. Voting and quorum requirements.	Subd. 5. The Commission shall meet at least four times a year. The Commission shall hold its first meeting within 45 days after the day this Chapter becomes effective. At the first meeting, the members shall adopt rules concerning the following business: A. Time, dates and places of future meetings; B. Election of officers; and, C. Voting and quorum requirements
2	Subd. 6.	<u>Appointment Authority</u> Appoint Chair and Officers	The Commission shall elect from its members a chairperson and such officers as it may deem necessary.
3	Subd. 6.	<u>Rulemaking authority:</u> Make rules for the conduct of Commission affairs	The Commission shall make such rules as it may deem advisable and necessary for the conduct of its affairs.
4	Subd. 6.	<u>Rulemaking authority:</u> Make rules for carrying out the intent of this chapter	Make rules for carrying out the intent of this chapter
5	Subd. 7.	Right to receive support services: Right to receive legal services Right to request information assistance Right to receive consultant or clerical services – if approved by the Common Council.	Support staff services shall be provided by Police Administration and Legal services shall be provided by the City Attorney's office.  Requests for information or assistance shall be made through the Department's Professional Standards Manager.  Clerical services may be contracted for only if approved by the Common Council.
6	Subd. 8. 1.	<u>Right to:</u> <ul style="list-style-type: none"> <li>• Review, and comment <ul style="list-style-type: none"> <li>○ On the policies, practices and procedures</li> <li>○ Adopted or to be adopted</li> <li>○ By Police Administration</li> </ul> </li> <li>• as they relate to the</li> </ul>	The Commission shall review and comment on the policies, practices and procedures adopted or to be adopted by Police Administration as they relate to the legal requirements of state and federal law and the expectations of the community.



		<ul style="list-style-type: none"> <li>○ Legal requirement of state and federal law and</li> <li>○ the expectations of the community</li> </ul>	
7	Subd. 8.1.	<p>Limitation – Minnesota Government Data Practices Act</p> <ul style="list-style-type: none"> <li>• Right to review incidents in which a member of the public has alleged that a member of the Department has engaged in conduct violating an existing policy, practice or procedure</li> </ul>	The Commission shall also, to the extent allowed by the Minnesota Government Data Practices Act, review those incidents in which a member of the public has alleged a member of the Department has engaged in conduct violating an existing policy, practice or procedure, or that an existing policy, practice or procedure is unlawful. The Commission may make policy and procedure recommendations to the Department as well as educational initiatives that may be of benefit to the public and/or the Department.
8	Subd. 8. 2.	<ul style="list-style-type: none"> <li>• Or that an existing policy, practice or procedure is unlawful.</li> </ul> <p>Power to raise issue relating to a policy, practice or procedure believed to conflict with state or federal law.</p>	In the event the Commission believes a policy, practice or procedure to conflict with state or federal law, the Commission will bring that conflict to the attention of the City Attorney who will decide regarding the legality of the policy, practice or procedure at issue.
9	Subd. 8. 3.	Power to initiate discussions	In the event the Commission believes a policy, practice or procedure is inconsistent with the expectations of the community, the Commission will initiate discussions with the chief of police to resolve that inconsistency. Should the inconsistency not be resolved, the Commission may notify the Mayor and ask for a determination regarding the issue in question. In the event the issue remains unresolved, and the Mayor and Commission feel it is of enough gravity or consequence to warrant Council intervention, the Mayor may refer the issue to the Common Council for resolution. The Common Council may consider the issue and, at the discretion of the Council, resolve it either by consensus or through a public hearing and subsequent issuance of a formal resolution.
10	19D.03.	Annual report	The Commission shall, with the Department's assistance, draft and provide an annual report to the Mayor outlining its activities during the preceding year and provide a general overview

			of the Department's adherence to its approved policies, practices and procedures. The commission may note specific concerns or deficiencies for the Mayor to consider.
<b>11</b>	19D.04.	<p>Limitation</p> <p>No authority to investigate or make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer</p>	<p><b>Allegations of Police Office Misconduct.</b></p> <p><b>Subdivision 1.</b> Pursuant to the Peace Officers Disciplinary Procedures Act, the Commission shall not have the authority to investigate or make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer.</p> <p>The Commission may make a recommendation regarding the merits of a complaint. However, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief of police or the City of Rochester.</p> <p>Under the Peace Officer Discipline Procedures Act Subd. 17, a civilian review board, commission, or other oversight body shall not have the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer.</p> <p>A civilian review board, commission or other oversight body may make a recommendation regarding the merits of a complaint; however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.</p>
<b>12</b>	Subd. 2.	<p>Limitation</p> <p>No authority to investigate complaints of employee misconduct</p> <p>Must refer complaints to the Department's Professional Standard's Manager for appropriate review and investigation.</p>	<p>Any complaints regarding employee misconduct made to the Commission or its members are to be referred to the Department's Professional Standard's Manager for appropriate review and investigation in accordance with the Peace Officers Disciplinary Procedures Act.</p>



#### **4. The Role of the Rochester Police Department**

Chief Peterson brought future matters to the attention of the Commission and made monthly presentations to the Commission on matters of current interest and concern. Chief Peterson also made himself available at the meetings to respond to questions and comments from Commissioners and members of the public during public comment periods that were on the agenda or from topic and issues of concern. Chief Roger Peterson announced his plans to retire in April of 2018, just two months shy of twenty years' service as Rochester Police Chief. I would like to thank Chief Peterson for his service to the community, as I look back on a 17-year relation with the Chief during my service as Legal Redress Chair of the NAACP, Rochester NAACP Vice-President, Rochester NAACP President, and NAACP President of the Minnesota/Dakotas Area State Conference.

Executive Assistant of Police Administration, Kari Berns performs secretarial services for the Commission. I thank Kari for her service and all the help she has provided me during my term as Chair and now as I serve as one of the Commissioners. A new Professional Standards Manager, Sandra Ewing, was introduced in April to take on the vacancy from last year.

#### **5. Special Purpose Committees Established by the Commission**

The Commission also works through special purpose Committees. In the period under review, there have been no special purpose committees.

#### **6. Other Deliberations and Outreach Activities of the Commission.**

##### **6.1 Rochester Police Department Professional Standards Manager**

In the December 2016 meeting Chief Peterson updated the commission regarding the Rochester Police Department Professional Standards Manager hiring process. Approximately 60 applications had been received. Chief Peterson indicated additional applications would be accepted until the position was filled. Commissioner Collins volunteered to assist with the hiring process. Rochester Police Department Chief Peterson stated he had been collaborating with Commissioner Collins on the Professional Standards hiring process. The top applications were approved and approximately six were slated to be interviewed in late January. The Professional Standards Manager interviews were held Friday, February 3, 2017. Commissioner Collins spoke highly of the candidates, stating the interviews were beyond his expectations. Chief Peterson indicated it had been narrowed down to three finalists. Sandra Ewing was introduced as the Department's new Professional Standards Manager. Ewing, originally from London, England, brings with her 20 years of legal experience. Her entire practice encompassed various aspects of criminal offenses. She has prosecuted/defended both citizens of many nationalities and law enforcement officers.



## **6.2 UVA Policy**

Chief Peterson discussed unmanned aerial vehicles also known as drones. He stated this is still in the budget. A policy would be brought to the commission to comment on and review before proceeding with the program. He stated a policy in draft form presently exists and would be updated to align with legislation. \$72,000 was allocated for the program. The budget was not slated for approval until December 19. In the January meeting, Commission members were given a copy of the department's Unmanned Aerial Vehicle (UAV) Draft Policy. Officer Reynaldo Caban was present to answer questions. In the February meeting, vendor contract information was promised from the department as it pertains to the Unmanned Aerial Vehicle Project (UAV). In April, Chief Peterson noted the city council had given the UAV project its approval. Moving forward, if someone wishes to review policy or forward comments that is still an option. After much discussion on rolling out the UVA Policy to the public it was decided to have a Police Oversight Commission Forum to present this policy, review of the Body Camera Policy and present the Police Policy Oversight Commission's annual report written by the Chair.

## **6.3 Body Camera Policy Update**

The Commission established a Body Camera Policy committee in June 2015 to review and make recommendation for the Rochester Police Department's proposed Body Camera Policy. The committee was chaired by Commissioner Sedarski and the members were Commissioners Truesdale, Jordan and Roble. The Commission, through the work of the Committee, worked collaboratively with the Rochester Police Department to finalize a policy that was drafted by the department.

After the Committee concluded its work, the State of Minnesota adopted a new state-wide body camera policy. Following the new state action, the Commission presented a recommendation, however the department was not willing to move on said recommendation.

## **6.4 Police Department Demographics by Ethnic Groups**

Rochester Police Department diversity statistics were requested and reviewed by Chair Jordan who stated there was not a lot of diversity on the department and not a lot of turnover. When turnover does occur, he encouraged the Department to take advantage of the opportunity to expand the diversity within the department. Commissioner Collins asked about how the department compared with other jurisdictions in the state. Chief Peterson stated that they compared quite well and there has been some success in diversifying. He did note that there are challenges with the public employment application process as it is not permissible to ask direct questions on race, etc. Commissioner Barlow stated the department's statistics were not consistent with the general population demographics. Chair Jordan noted the city has no Affirmative Action program. Chief Peterson said that while the city, itself, does not have an Affirmative Action plan the Department has had one in place for approximately two years. This gives the Mayor more flexibility in hiring. He also noted the Community Service Officer program

has been more effective in expanding its workforce diversity. The Community Service Officer program has become a feeder system for police officers.

The Commission requested demographic data on the current police officers and civilian staff workforce. Chief Peterson indicated the following:

**Rochester Police Department Demographics February 2018**

<b>Demographic Group</b>	<b>Officers</b>	<b>Leadership</b>
<b>African American</b>	2	1 (Sergeant)
<b>Hispanic/Latino</b>	6	0
<b>American Indian</b>	2	0
<b>Asian/Southeast Asian</b>	6	0
<b>Unknown</b>	2	0

Chairman Jordan requested information regarding affirmative action referencing data he read which noted people of color in Minnesota non-metro areas has now outnumbered those of color within the metro area. Commissioner Collins commented. Chairman Jordan stated he wasn't certain whether it was Hennepin/Ramsey counties or a seven-county area. Chief Peterson asked how much detail would be needed. He referenced how Affirmative Action, under Minnesota law, allows the department to give the mayor flexibility/authority to select a minority candidate who may be ranked lower on the list if the department's numbers/ratios do not coincide with those in the labor force. That number comes from Equal Opportunity Employer guidelines issued by the Department of Justice (DOJ). The paradox is the DOJ uses a formula that relies on the number of people and different racial/ethnic groups in the labor force within a given census area. The downfall is how the numbers are derived. It uses people within the labor force for a given occupation. Thus, there is no disparity by comparison. Because of this, RPD rewrote a policy and Civil Service rule to disregard the DOJ standards. Instead, RPD utilizes the population that it serves as opposed to the population in the labor force. This allows the department to look at people who are underrepresented. According to Civil Service rules, the Mayor has authority to appoint the top three candidates and allows for more diversity within the top three. Outside what is an arbitrary score, RPD changed the hiring process. They interview every candidate who applies for police officer. The focus/points are geared towards cultural competency in addition to education, background and experience. Chairman Jordan asked how many officers are presently on staff. Chief Peterson stated there are presently 141. Commissioner Sedarski asked about Community Service Officers (CSO's). Chief Peterson stated the CSO position provides a stepping stone to get in the department for those who otherwise may not have the opportunity.



## **6.5 Commissioner Barlow Resignation**

Commissioner Barlow provided information regarding his resignation from the Commission, which was submitted approximately three weeks prior to the March meeting. He will continue his service to the community as a member of the Rochester Public School Board. He reiterated his belief in the efficacy of the Commission and encouraged the Commission to continue their good work. Chair Jordan expressed his appreciation for Commissioner Barlow's service. Chief Peterson stated he had inquired with the Mayor's office and believed the new Commission member would be appointed in time for the April meeting.

## **6.6 Power of the Police Policy Oversight Commission**

Chair Jordan noted concern that the public perception of the Commission was that it had a broader scope of power than it does. There is the perception that the Commission has the power to change police department policy. Commissioner Barlow stated he had the opportunity to explain that the Commission is advisory at a February 2017 meeting. It was noted that in addition to the advisory role, the Ordinance provides a means for the Commission to appeal directly to the Mayor. Walter Smith, a representative of "Everybody In," spoke about racial equity and equal opportunity. He stated he believed the Commission needed to have more power. Chief Peterson responded to Smith's statements. He said the conversations going on in meetings are not the only outlet for these topics. He stated that the Police Policy Oversight Commission is only one mechanism for community input. He further indicated that discussions held at Commission meetings were not ignored. A member of the community suggested that Commissioners serve as ambassadors, with a duty to inform other community members of the role of the Commission. Commissioner Witz stated all should remember the work that has been accomplished by the Commission in a relatively short time. He also noted that Commissioners have an absolute responsibility to communicate in the public through any avenues they believe appropriate to get their voices heard.

## **6.7 Immigration and Customs Enforcement (ICE)**

The Commission held significant discussion regarding the department's roles in immigration enforcement. Commission members noted a growing concern among community members who are in fear of deportation. Chief Peterson stated the Rochester Police Department is not engaging in immigration enforcement activity. He addressed concern with the rumors/suggestions that immigration officials were identifying themselves as "police officers," noting it was not conducive to building trust between the community and local police officers. Chief Peterson indicated that ICE does not notify or report their local work, so he cannot say with certainty other than he has not been made aware of any occurrences of such practices in Rochester. Attending citizen, Nora Dooley, stated 36 individuals had come to meet with Senator Franken and his staff when he was in Rochester, and there were many questions



focused on the topic of immigration when the council met with him. She added that the Sisters of St. Francis were offering sanctuary. Commissioner Roble questioned the role of ICE when individuals were brought to jail. Chief Peterson stated how the Police Department and Sheriff's Office do not actively track immigration status but the identification process that occurs when someone is fingerprinted triggers the FBI's review on someone's identity. This could, in turn, cause ICE to review and cause a hold or apprehension. Peterson stated the Olmsted County Adult Detention Center is not holding people based on the ICE detainers but does notify ICE when that individual is being released from custody. The message the chief wanted to impart was that the primary function of the police department was to identify people who were public safety threats as opposed to determining immigration status, which is a civil issue. There was further discussion by all Commission members regarding legal concepts of what was considered criminal vs. civil. Chief Peterson stated the only time the police department would have jurisdiction was if a deported felon returned to the area. The Police Department's focus is on people who are dangerous and pose a threat to public safety. Crossing the border is considered a civil offense. Commissioner Barlow posed a question to the City Attorney's Office regarding discussion pertaining to an immigration/sanctuary policy. Assistant City Attorney Michael Spindler-Krage stated he was not aware of any such discussion. In summary, Chair Jordan noted that the Police Department is not cooperating/assisting ICE and that those who come to ICE's attention through past practice will continue.

This was an area of ongoing discussion at subsequent Commission meetings. Chief Peterson provided updates regarding immigration as it relates to law enforcement. He indicated he was hopeful the federal government would provide more clarity on the issue moving forward. Chair Jordan sought clarity and updates on what ICE was asking of local law enforcement. Chief Peterson stated ICE issues detainers to hold someone for 48 hours until they can take custody. It is a civil order and doesn't impact the police department as they do not run the jail. Whether or not the Sheriff's Office is cooperating with the ICE detainers was not known. They do let ICE know when someone is due to be released.

Chief Peterson provided an update on two federal grant programs specific to immigration enforcement that the department would not be applying for from the Department of Justice (DOJ). One was a COPS Hiring Program Grant (CHP). The second was the Edward Byrne Memorial Justice Assistance Grant (JAG). The department presently receives \$27,000 from the JAG for crime prevention activities which is shared with Olmsted County. The Department has not received funding from the CHP since 2004. Applications have been issued for the CHP. There is a new requirement as part of the application process that the city attorney must certify compliance with Section 8, 1373 of the Federal Code of regulations. While this is not a problem, other regulations proposed under the federal budget would make it problematic to participate as there are conflicts between the Department of Justice and the federal courts regarding interpretation of these provisions and case law. The JAG doesn't come out until September, but it will likely have the same ICE compliance requirement. Chief Peterson stated neither grant is significant from a budgeting standpoint.



## **6.8 Local Shooting Incidents**

Capt. Sherwin updated the Commission on the status of recent shootings that have taken place in Rochester. He indicated several arrests had been made regarding recent shootings. Commissioners inquired about the perception there is an increase in the number of shootings/reports of shootings and the potential reason for the increase. Of the approximate six shootings during 2016 to date, Capt. Sherwin stated only one person has been injured. No one was hit in all other shootings. Capt. Sherwin noted the department's crime stats are low when compared to average cities of this size. Rochester is a very safe city. Violent crimes, gangs and weapon offenses have been identified as a priority by the department. When these events occur, all possible resources are directed at these problems. The goal is to make arrests quickly, Capt. Sherwin explained. The individuals involved in these events are hardened criminals, and do not like the police. These are both suspects and victims. Most of the offenses are isolated to two groups, amounting to a very small percentage of people who are committing the crimes. The department has a good idea of those who are involved but it takes evidence and cooperative victims. Commissioners asked how gang activity might figure into the recent shootings. Capt. Sherwin stated it is less than in earlier years (mid '90's-2000). Captain Sherwin noted gang dynamics have changed with gangs today being much smaller. He noted the people who are committing these crimes do display gang characteristics and are involved in other criminal activities such as narcotics. Capt. Sherwin stated this type of crime is the norm in every other city this size and as Rochester becomes a more densely populated core city, crime will likely increase. He further indicated the Police Department can prevent a lot of crime.

## **6.9 Police Oversight Commission Forum**

Commission members led planning for the Police Oversight Commission Forum which was scheduled for Thursday, July 27. It was decided a copy of the Annual Report would be uploaded to the City website. Kari Berns, Police Department Liaison for the Commission, noted the Annual Report had previously been uploaded in two places on the City website along with a time and date for the Forum. Approximately 25 copies of the Drone and Body Camera policies would be provided by the Department for handout at the Forum. Copies of the Annual Report would be made for distribution as well. Commissioner Witz would present the Annual Report. Approximately 45 minutes would be allotted for the Drone presentation. The time allotted for the Mobile Video Recorder (Body Camera) Policy would be the same as the Drone. Chief Peterson noted the Body Camera presentation would likely be something similar to the Drone consisting of a demonstration of how it works, and Officers would answer questions related to drone policy. Note cards would be provided for people to write down questions, additionally it was decided that if there wasn't time for all questions to be answered, the Chief's email address would be provided for further submission of questions.

After the Forum was held, Chair Jordan solicited feedback regarding the Forum. Commissioner Roble discussed drone usage. Chief Peterson stated it has been deployed about seven times since implementation. On average, the Unmanned Aerial Device (UAV) has been used once a week. Most incidents have included locating lost and missing people or suspects. Presently, the department has three pilots who can operate the UAV and two more will be added by the end of this year. The Federal Aviation Administration (FAA) has changed its rules, and a UAV operator does not need to maintain a Pilot's License which all the Department's present operators do possess, however FAA certification is still a requirement. This allows an operator to fly the UAV at night by instrument and out of the line of sight. The FAA wants to ensure the UAV is operated so it doesn't interfere with aircraft and flight paths. Commissioner Witz stated he thought the Public Forum was a success, and this sentiment included the venue and parking available to attendees. He felt the Department's involvement was well-received. People were able to see exactly what the Commission wanted them to see. Commissioner Roble agreed. He said he felt the Commission should sponsor more of these types of programs to share information with the Community. Chair Jordan thanked the Department for the Officers' participation and presentations.

#### **6.10 "Use of Force in Minnesota: A Dialogue Between Law Enforcement and Communities of Inclusion" Forum-Rochester, MN**

Chief Peterson stated there had been discussion with the FBI who has been involved in putting together community forums, something very new for Minnesota. The FBI had previously facilitated one forum in St. Cloud and the Department was working with them to have another in Rochester on Friday, October 13. Chief Peterson stated this was an opportunity for community members to have a dialog with the FBI, Office of Civil Rights, US Attorney and Superintendent of the BCA. The intent was to facilitate discussion and questions in relation to critical incidents especially officer-involved shootings. The day was to be broken into three parts to focus on different aspects of policing specifically with the use of force. The number attending was limited to 25 people per the FBI. Chief Peterson stated various groups, particularly members of advocacy groups, had been invited. This included up to four Oversight Commission members to not violate open meeting laws. I was one of the Commissioners who attended along with Commissioners Collins, Sedarski and Witz.

#### **6.11 Police Chief Selection**

An overview of the process for selection of the next Chief of the Rochester Police Department was provided by Linda Hillenbrand, City Human Resources Director. Ms. Hillenbrand gave an overview of the Police Chief selection process and introduced Sharon Klumpp, Senior Vice President of Springsted Waters, the recruitment firm the city had hired to assist in the task. Four questions/discussion points had been sent to Commissioners prior to the meeting. Klumpp went through these questions with Commission members which included:



Question 1: “What are the top strengths of the Police Department and how would you describe the Police Department’s relationship with the community it serves?” Chair Jordan and Vice Chair Sedarski commented.

Question 2: What do you see as the top two/three public safety priorities facing the city? All present Commissioners commented.

Question 3: What leadership style and managerial qualities will the next chief need to be successful? All present Commissioners offered their input.

Question 4: What experiences and competencies are desired in the next police chief? All Commissioners shared their thoughts.

Additionally, it was noted that Springstead Waters has a two-year guarantee, with absent Commissioners provided an additional two weeks to respond to the questions.

## **7. Conclusion and Recommendations**

Citizen oversight is now an established feature of the institutional landscape of U.S. policing. The growth of citizen oversight over the last 35 years has represented a dramatic change not only in formal criminal justice institutions but an even more profound change in public expectations about the police and in how police leaders (not the rank and file) respond to citizen input into the complaints process.

Citizen oversight of the police has come to involve the participation by persons who are not sworn officers (citizens) in the review of citizen complaints against the police and/or other allegations of misconduct by police officers. It is important to note that in one fundamental respect, all law enforcement agencies in the United States are subject to control and direction by citizens through their elected representatives. This represents the very essence of policing in a democratic society. Mayors, governors, and presidents appoint law enforcement chief executives and have a large say in directing law enforcement agencies under their control through the appointment of agency chief executives and the setting of basic policy. City councils, county boards, state legislatures, and Congress exercise control through the budgetary process.

According to Samuel Walker, citizen oversight has gone through the “Years in the Wilderness: 1920s to 1970”, has had “Years of Growth: 1970 to 1993, Years of Consolidation and Development: 1993 to the Present,” and “Setbacks, and Sources of Change” in recent years. Walker is the Isaacson Professor of Criminal Justice at the University of Nebraska, Omaha, where he has taught for over 30 years. He is the author of 13 books on policing, criminal justice history and policy, and civil liberties.

The movement for citizen oversight fought a decades-long and bitter battle to gain legitimacy both as an idea and as a practical reality. That battle is now largely won, and the movement now faces new challenges, including the development of accepted professional standards for oversight agencies and

performance measures that can indicate whether an agency is operating effectively. Citizen oversight is a major innovation in U.S. law enforcement. The growth of oversight agencies has transformed the institutional landscape of policing, requiring historically closed police departments to deal with external, citizen-run agencies on a routine basis.

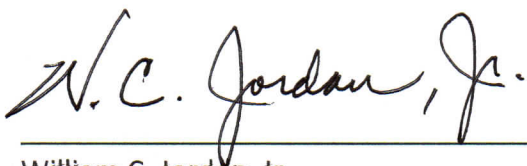
The Rochester Police Policy Oversight Commission has been a great start in the involvement of citizens in law enforcement oversight and review. It is what has been needed in Rochester. Now, after the initial start of the Commission, I see a need to revise the Commission to provide more input and recommendations from a civilian's perspective. This input can be helpful in the development and review of police training, policy, and procedures. There is a need for continuous improvement of the relationship between the police department and the community. This can be aided by developing frank and open communication with residents and police on matters concerning but not limited to public safety, procedural justice, use of force, and biased policing.

I recommend a Commission that can provide independent review of complaints against officers with the charge to make recommendations regarding the disposition of such complaints and the resulting remediation or actions required by the police department. It is my belief that a Commission that has this as a component of their charge will aid to increase transparency and improve police accountability.

The Commission presents this report to the Mayor pursuant to the requirements of the Bylaws and the Ordinance. The Commission records that the Department has, in its work with the Commission, adhered to its approved policies, practices and procedure.

The Commission records its appreciation to retired Chief Roger Peterson and the Rochester Police Department. The Commission also records its thanks to Kari Berns and Sandra Ewing of the Department for the support they have provided to the Commission.

Respectfully submitted,

A handwritten signature in black ink, reading "W.C. Jordan, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

William C. Jordan, Jr.

Immediate Past Chair,

Rochester Police Policy Oversight Commission